

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PETER J. McDANIELS,

Plaintiff,

V.

**BILL ELFO, Whatcom County  
Sheriff, et al.,**

## Defendants.

C12-1289 TSZ-MAT

## ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”) of Mary Alice Theiler, Chief United States Magistrate Judge, docket no. 195, regarding claims related to Plaintiff’s religious practices. Having reviewed Plaintiff’s objections to the R&R, docket no. 199, and Defendants objections to the R&R, docket no. 198, the Court hereby ORDERS:

- (1) The Court ADOPTS the Report and Recommendation, docket no. 195.
- (2) The Courts GRANTS in part and DENIES in part Defendants' Motion for  
Summary Judgment, docket no. 90.
- (3) Plaintiff's Cross Motion, docket no. 141, is DENIED.

(4) The Court DISMISSES Plaintiff's RLUIPA, First Amendment, and unconstitutional punishment claims related to an Arabic Qur'an and to meals, dates, and a feast during his 2011 Ramadan. The Court also DISMISSES Plaintiff's claim that the denial of Halal meat amounted to unconstitutional punishment. The Court DENIES summary judgment for Defendants on Plaintiff's RLUIPA and First Amendment claims challenging the denial of Halal meat. The Court also DENIES summary judgment for Defendants on Plaintiff's unconstitutional punishment claims regarding the nutritional adequacy of the Ramadan diet and the denial of pain reliever during Ramadan.

(5) The Court DISMISSES Plaintiff's claims against Terry and his religious practice claims against Raymond, DePaul, Bitner, George, and Smith. Further, the individual defendants are entitled to qualified immunity in relation to Plaintiff's Halal meat claim, and the Court finds they should not be held liable for damages in their personal capacities under RLUIPA.

(6) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants, and to the Honorable Mary Alice Theiler.

IT IS SO ORDERED.

Dated this 12th day of December, 2013.

Thomas S Zilly  
THOMAS S. ZILLY  
United States District Judge